

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

07 Cr. 543(KMK)

YEHEZKEL ELIA and DAVID ELYAHO,

Defendants.

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REQUESTS TO CHARGE BY DEFENDANT
DAVID ELYAHO

Request to Charge

Separate Verdict as to each defendant

In this case two defendants are on trial together. In reaching a verdict, however, you must bear in mind that guilt is individual. Your verdict as to each defendant must be determined separately with respect to him, solely on the evidence, or lack of evidence, presented against him without regard to the guilt or innocence of anyone else.

In addition, some of the evidence in this case was limited to one defendant. Let me emphasize that any evidence admitted solely against one defendant may be considered only as against that defendant and may not in any respect enter into your deliberations on any other defendant.

In reaching your verdict, bear in mind that guilt is personal and individual. Your verdict of guilty or not guilty must be based solely on the evidence about each defendant. The case against each defendant on each count stands or falls upon the proof or lack of proof against that defendant alone, and your verdict as to any defendant on any count should not control your decision as to any other defendant or any other count. No other considerations are proper.

Adapted from the charge of Hon. Victor Marrero in United States v. Vargas, 05 CR 1327 (VM), Tr. at 1798).